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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,493	01/18/2002	Sara Elizabeth Young	7611 M	5946

27752 7590 03/01/2007
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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	03/01/2007	PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/979,493
Filing Date: January 18, 2002
Appellant(s): YOUNG ET AL.

MAILED

MAR 01 2007

Technology Center 2100

Jay A. Krebs
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/20/2006 appealing from the Office action mailed 04/06/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

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The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,675,356	ADLER	1-2004
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6,236,978	TUZHILIN	5-2001
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Family Tree House (Copyright 1996 AFTER).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 5, 11, 15 – 22, 27 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Family Tree House (Copyright 1996 AFTER) in view of Adler et al (U.S. 6,675,356).

♦ As per claim 1, 17 - 18, 27 – 29,

The Family Tree House is the web site of AFTER (the Association for Family Tree Enrollment and Registry). This site offers a method assisted integrated family information management system comprising:

- “A central module containing at least one family data file” corresponds to the central database of the web site server that stored information of customers.
- “One family data file” corresponds to the data file of customer entered into the system (see page 3). This is a family tree house, therefore, it must include at least two or more members (page 7).
- “A user interface system for transferring information to and receiving information from said family data file of said central control module” corresponds to the interface system that users used to enter information as shown in page 3 into the system.
- “At least one information source connected to said central control module from which relevant family information is obtained” See page 10 – 12. There are pluralities of sources such as “Census Bureau”, “CZECH information Center”. “Information source” corresponds to one of the sources such as “Census Bureau”, “CZECH information Center”. When the user clicks on one of them, example “Census Bureau” site, and the

system will access that home page and retrieve information that user requested (page 13 – 14).

- “ Relevant family information obtained from said information source is processed with information stored in said family data file to create value-add family information which is accessible in said central control module through said user interface system” See page 13. Wherein, “Relevant family information” corresponds to the family member name that the user wants to search. This information is processed together with the user information to create a result that includes relevant name to the user. As the result of the search, the relevant name/information corresponds to the “value-add family information” because this result is developed from multiple sources (As defined in page 8, line 16, of the disclosure).

The Family Tree House reference does not clearly disclose a “module” or the specific structural system to carry out the disclosed system.

However, on the other hand, Adler discloses a structural system including a control module (Fig. 1, element 114, Fig. 3, element 310, col.7, lines 64 – 67, Adler), a user interface (Fig. 1, element 116, Fig. 3, element 312, col. 8, lines 1 – 13, Adler), and an external communication with data sources to be accessed by the system (Fig. 1, element 110,112,118, fig. 3, element 314, 316, 318, 320, col. 8, lines 10 – 17, Adler).

One of ordinary skill in the art would have recognized that some physical system must be implemented in the Family Tree House reference; and having the Adler system before her, it would have been obvious to one with ordinary skill in the art at the time the invention was made to implement Adler’s system in carrying out the Family Tree House’s method because the Adler

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system was readily available and would enable the objectives of the Family Tree House system to be carried out. The obvious modification would have been to install the Family Tree House software on to the Adler system.

◆ As per claim 2 – 3, 19 – 20, 30 – 31, the combination of Family Tree House and Adler disclose:

- “Said central control module retrieve said relevant information from said information source”, and “central control module access said relevant information from said information source” See Page 13, where the system must access the genealogy home page and retrieve information from “online data collection” or “World Family Tree” or US Census collection”.

◆ As per claim 4, 21, 32 – 33, the combination of Family Tree House and Adler disclose:

- “ Said relevant family information is sent to said central control”. Because the Genealogy is the host for other sources, therefore, the information must be sent to the central control.

◆ As per claim 5, 22, the combination of Family Tree House and Adler disclose:

- “ Said relevant family information is obtained by said central control module upon request of a member of said family” See page 13, where the user must enter the request.

◆ As per claim 11, the combination of Family Tree House and Adler disclose:

- “ Central control module further comprising a data storage device” corresponds the storage that stored user information or user profile in the web server.

◆ As per claim 15 - 16, the combination of Family Tree House and Adler disclose:

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- “Information source is internal and external to said system” See page 10, where the information source is external to the system. See page 9 for information is internal to the system.

3. Claims 6 – 10, 12 – 14, 23 – 26, 34 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Family Tree House (Copyright 1996 AFTER) in view of Adler et al (U.S. 6,675,356) further in view of Alexander S. Tuzhilin (U.S. 6,236,978).

♦ As per claim 6 - 8, 23 – 25,

The combination of Family Tree House and Adler discloses a method for searching relevant information based on user profile or family information. However, the combination system does not clearly disclose that relevant information is obtained upon recognition of a predetermined event, a predetermined time interval, a predetermined time schedule.

Tuzhilin, on the other hand, discloses a method for generating a user profile, and based on this profile, the system will generate some services or products that users may utilize (Col. 2, lines 41 – 59, Tuzhilin). Tuzhilin teaches that the system can recognized a predetermined event, time interval, and schedule based on the Purchasing history (col. 11, lines 35 – 41), and base on this information, the system will generate some suggestion or recommendation to user (col. 12, lines 4 – 24, Tuzhilin).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Tuzhilin into the combination of Family Tree House and Adler system because the combination provides the user information as needed without searching for it.

♦ As per claim 9 - 10, 26, the combination of Family Tree House/Adler/Tuzhilin disclose:

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- “Family activity data” and “specified information in said family data file” See col. 12, lines 4 – 24, Tuzhilin.

♦ As per claim 12 - 14, the combination of Family Tree House/Adler/Tuzhilin disclose:

- “Central control module further comprising a voice recognition system”, and “means for providing message to users” see col. 13, lines 30 – 34, col. 14, lines 11 – 14 of Tuzhilin.

♦ As per claim 34 - 37, the combination of Family Tree House/Adler/Tuzhilin disclose:

Claims 34 – 37 are rejected based on the rejection of claims 1 and 12 – 14.

(10) Response to Argument

EXAMINER’S RESPONSE TO APPELLANT’S ARGUMENT 1:

The Federal Circuit has embraced a theory of *prima facie* obviousness for use in *ex parte* prosecution in the PTO. The *prima facie* case is a procedural tool that, as used in patent examination, means not only that the evidence of the prior art would reasonably allow the conclusion that the examiner seeks, but also that the prior art compels such a conclusion if the Appellant produces no evidence or argument to rebut it. See *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). In the instant case, the prior art compels the conclusion that the claimed invention is unpatentable under 35 U.S.C. §103(a) as set forth in the Final Office Action, mailed November 16, 2005, and reiterated above for convenience.

Each of Appellant’s arguments above fails to rebut the *prima facie* showing of obviousness for the reasons discussed below.

- In response to applicant's argument that there is no motivation to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed

invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the Family Tree House web site teaches "a method assisted integrated family information management system" that comprises: a "central module containing at least one data file;" a "one family data file;" a "user interface system... at least one information source connected to said central control module:" and "relevant family information obtained from said information source" (see rejection above). The Family Tree House reference does not clearly disclose a "module" or the specific structural system to carry out the disclosed system.

However, on the other hand, Adler discloses a structural system including a control module (Fig. 1, element 114, Fig. 3, element 310, col.7, lines 64 – 67, Adler), a user interface (Fig. 1, element 116, Fig. 3, element 312, col. 8, lines 1 – 13, Adler), and an external communication with data sources to be accessed by the system (Fig. 1, element 110,112,118, fig. 3, element 314, 316, 318, 320, col. 8, lines 10 – 17, Adler).

One of ordinary skill in the art would have recognized that some physical system must be implemented in the Family Tree House reference; and having the Adler system before her, it would have been obvious to one with ordinary skill in the art at the time the invention was made to implement Adler's system in carrying out the Family Tree House's method because the Adler system was readily available and would enable the objectives of the Family Tree House system to be carried out. The

obvious modification would have been to install the Family Tree House software on to the Adler system. Therefore, it is submitted that combining **the Family Tree House web site** and **Adler** would have arrived at the claimed invention.

- In response to applicant's argument that "value-added family information is developed in applicant's present invention by the central control module from multiple information sources that are connected and/or integrated to the central control module"; and "the Family Tree House application does not have any access to any information sources other than user inputted familial relationship that may be used to develop and communicate value added family information in the manner of the present invention". However, the term "multiple" information was not in the claim language. In stead, applicant claimed at line 6 " at least one information source connected to said central control module". The web site requires plurality of users to fill out the genealogical relationships. These "plurality of users" also corresponds to the multiple information source. In addition, there are pluralities of sources such as "Census Bureau", "CZECH information Center". "Information source" corresponds to one of the sources such as "Census Bureau", "CZECH information Center". When the user clicks on one of them, example "Census Bureau" site, and the system will access that home page and retrieve information that user requested (page 13 – 14). See page 13. Wherein, "Relevant family information" corresponds to the family member name that the user wants to search. This information is processed together with the user information to create a result that includes relevant name to the user. As the result of the search, the relevant name/information corresponds to the "value-add

family information” because this result is developed from multiple sources (i.e. multiple users) (As defined in page 8, line 16, of the disclosure) and would generate the value added family information contemplated in Applicant’s present invention. Therefore, the Family Tree House web site does disclose at least one information source as claimed in the claim invention.

EXAMINER’S RESPONSE TO APPELLANT’S ARGUMENT 2:

- In response to applicant's argument that there is no motivation to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the Family Tree House web site teaches "a method assisted integrated family information management system" that comprises: a "central module containing at least one data file;" a "one family data file;" a "user interface system... at least one information source connected to said central control module:" and "relevant family information obtained from said information source" (see rejection above). The Family Tree House reference does not clearly disclose a “module” or the specific structural system to carry out the disclosed system.

However, on the other hand, Adler discloses a structural system including a control module (Fig. 1, element 114, Fig. 3, element 310, col.7, lines 64 – 67, Adler), a user

interface (Fig. 1, element 116, Fig. 3, element 312, col. 8, lines 1 – 13, Adler), and an external communication with data sources to be accessed by the system (Fig. 1, element 110, 112, 118, fig. 3, element 314, 316, 318, 320, col. 8, lines 10 – 17, Adler). One of ordinary skill in the art would have recognized that some physical system must be implemented in the Family Tree House reference; and having the Adler system before her, it would have been obvious to one with ordinary skill in the art at the time the invention was made to implement Adler's system in carrying out the Family Tree House's method because the Adler system was readily available and would enable the objectives of the Family Tree House system to be carried out. The obvious modification would have been to install the Family Tree House software on to the Adler system.

The combination of Family Tree House and Adler discloses a method for searching relevant information based on user profile or family information. However, the combination system does not clearly disclose that relevant information is obtained upon recognition of a predetermined event, a predetermined time interval, a predetermined time schedule.

Tuzhilin, on the other hand, discloses a method for generating a user profile, and based on this profile, the system will generate some services or products that users may utilize (Col. 2, lines 41 – 59, Tuzhilin). Tuzhilin teaches that the system can recognize a predetermined event, time interval, and schedule based on the Purchasing history (col. 11, lines 35 – 41), and base on this information, the system will generate some suggestion or recommendation to user (col. 12, lines 4 – 24,

Tuzhilin). In addition, Tuzhilin also teaches “the system and method according to the present invention can also be incorporated in a Web site system... Using this system and method ... the dynamic Web content of the Web site presented to the user can be varied to conform to the dynamic profile of the user visiting the Web site” (col. 14, lines 21 – 29 of Tuzhilin).

Since there are user profiles in the Family Tree House web site and the system require more information related to the user profiles, it would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Tuzhilin into the combination of Family Tree House and Adler system because the combination provides the user information as needed without searching for it.

Therefore, it is submitted that combining **the Family Tree House web site, Adler and Tuzhilin** would have arrived at the claimed invention.

- In response to applicant's argument that the Family Tree House web site and Adler are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, One of ordinary skill in the art would have recognized that some physical system must be implemented in the Family Tree House reference; and having the Adler system before her, it would have been obvious to one with ordinary skill in the art at the time the invention was made to implement

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Adler's system in carrying out the Family Tree House's method because the Adler system was readily available and would enable the objectives of the Family Tree House system to be carried out. The obvious modification would have been to install the Family Tree House software on to the Adler system.

Therefore, it is submitted that combining **the Family Tree House web site, Adler and Tuzhilin** would have arrived at the claimed invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Cam Linh Nguyen

LN



Conferees:

Apu Mofiz

SPE - 2161



John Cottingham

SPE - 2167